

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RONALD S. HEDLUND.,

Plaintiff,

– against –

NEW YORK CITY TRANSIT AUTHORITY,

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 13 2011 ★

BROOKLYN OFFICE

**MEMORANDUM, ORDER
AND JUDGMENT**

09-CV-3008



JACK B. WEINSTEIN, Senior United States District Judge:


Plaintiff sued the New York City Transit Authority for sexual harassment, religious discrimination, and retaliation under Title VII. *See* Compl., Doc. Entry 1, July 14, 2009; Pl.'s Mem. of L. in Opp. to Def.'s Mot. for Summ. J., Doc. Entry 57, July 14, 2011. Defendant filed a motion for summary judgment on the grounds that: 1) there are no facts to support a claim of sexual harassment or religious discrimination; 2) the religious discrimination and retaliation claims are time-barred; 3) plaintiff failed to follow the procedure at the administrative agency for his retaliation claims; and 4) a claim for retaliation is not actionable for "petty slights and minor annoyances." *See* Def.'s Mem. of L. in Supp. of Mot. for Summ. J., Doc. Entry 52, June, 10, 2011. Each of the technical defenses raised by the Transit Authority are appropriate, but the court need not address them because there is no substance to the case.

A full hearing was afforded to the parties on October 6, 2011. *See* Tr. of Summ. J. Hr'g, Oct. 6, 2011. Full discovery was completed. *See* Doc. Entry, Mar. 23, 2011; Doc. Entry, Apr. 29, 2011.

Plaintiff's claims are meritless. Plaintiff had a long history of poor attendance and poor work, and an inability to respond to supervisory criticisms. He was fired for adequate good faith findings of incompetence having nothing to do with discrimination. None of the events complained of were more than passing remarks demonstrating no sexual or religious bias or other discrimination. Retaliation claims are meritless; they are time barred or centered on appropriate work-related actions by his supervisors based on disputes about proper safety procedures.

The motion for summary judgment is granted. The clerk of the court shall enter judgment for defendant. No costs or disbursements are awarded.

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Date: October 6, 2011
Brooklyn, New York